

1887-012 Chancery Causes: Andrew M. Fitts vs. William Fitts &  
Lee Co.

Quillen, Anderson, Coleman, Morgan

1 Plat

CA-Estate Dispute  
T-Property

To the Hon H. S. K. Morison Judge of the Circuit Court of Lee County Virginia:

Humbly complaining your Orator Andrew M. Fitts would respectfully represent, that many years ago his father Cornelius Fitts departed this life intestate in this county, leaving a widow Sarah Fitts (now dead) and seven heirs at law, of whom your Orator and one James R. Fitts (now dead) were two. Your Orator further states that said Cornelius Fitts at his death was the owner of about 860 acres of valuable land in said county situated about 8 miles south west of the Town of Jonesville and the same descended at his death to his seven heirs at law, subject to the dower of his said widow therein.

Your Orator further states that said lands were partitioned among said heirs, and dower was assigned the widow in the manner shown by the copy of a plat of Partition and assignment of dower herewith filed as a part hereof marked (A & B) by reference to which it will be seen that the dower lands so assigned the widow containing 225 acres was not partitioned among said heirs, and hence each one of the seven heirs had and hold an equal undivided interest therein.

Your Orator further states that lot No. 4 on said Plat was assigned to the said James R. Fitts, one of said heirs, and this lot together with his undivided interest in said dower lands, the said James R. Fitts



And by a second <sup>deed</sup> duly executed and recorded the said James  
R. Fitts wife and Alvis J. Fitts conveyed to Enclosure  
Alvin Calverman said James R. Fitts undivided interest  
in the said dower lands.

wife undertook to and did convey to their son, and  
Alvis J. Fitts by proper deed duly executed and recorded.

Your Orator further states that in the year 1868  
one C. N. Robinson who had obtained two judgments  
at law against said James R. Fitts before the death of his  
father, filed his bill in this honorable court, for the  
purpose of setting aside said deed of conveyance &  
subjecting said real estate to the payment of said judgments,  
& in the year 1869. J. W. Orr as the admr. of one Joseph  
Parkey dead, filed his bill in this court for the same  
purpose and to subject said lands to the payment of  
a judgment due his intestate. And these suits  
were subsequently brought on to be heard together, &  
by a decree entered in said causes on the 19<sup>th</sup>  
day of May 1871. said deed of conveyance of said James  
R. Fitts wife to said Alvis J. Fitts, <sup>and the conveyance by said three to the two Misses Calverman</sup> was set aside  
and held for naught so far as said judgments were  
concerned. And the land which the said James R.  
Fitts inherited from his father, both in said  
lot No 4 and his undivided interest in said dower  
were ordered and decreed to be sold to pay said judgments  
at law. And Genl. A. L. Pridemore was appointed  
a commissioner to make said sale.

Your Orator further states that said A. L. Pridemore  
acting as such commissioner on the 17<sup>th</sup> day of  
July 1871 offered said land for sale, by first offering  
for sale said James R. Fitts undivided interest in the said  
dower lands when one William Fitts a colored man  
became the purchaser thereof at the price of \$220.00  
which sale was subsequently confirmed, all of which



will fully appear by the proceedings had in said cases now of record in this honorable court:

Your Orator now states that he became the security of said William Fitts (colored) to said A. L. Pordner as a commission for the purchase price of said Jas R. Fitts undivided interest in said down land so purchased by the said William Fitts colored. And soon after the execution of the notes or bonds for the purchase price of said undivided interest, the said W. Fitts colored absconded from the Commonwealth of Virginia to evade a criminal prosecution as it is said, And as the said purchase money notes became payable Your Orator was called on to pay the same, and first and last he did pay and discharge the full amount of the purchase price and each and every part thereof:

Your Orator states that in his own right he was and is the owner of one seventh of the said down land, and he has purchased five other shares therein, and has fully paid the purchase price for the said James R. interest in the manner before stated And being the owner by purchase of six sevenths thereof and having paid the purchase price of the other seventh in the manner stated he has taken entire possession of the said down lands claiming the same as his, and has thus held and used the same for more than 10 years last past and is now in the full and undisputed possession thereof:

The causes before referred to have been dismissed and



and stricken from the docket without any deed of conveyance of the said James R. Fitts interest therein either to the purchaser Wm. Fitts colored, or to your Orator as his surety who became virtually the purchaser thereof and is entitled in a court of equity to be substituted to his rights.

Your Orator further states that since said proceedings were had in said two causes the said Emaline Coleman has intermarried with Harman Dallen and the said Adeline Coleman has married John B. Anderson all of whom together with Alvis J. Fitts and said Wm. Fitts colored are now residents of the state of Virginia.

Your Orator now files herewith a paper marked (A.B.) over the signature of said Wm. Fitts colored by which in writing he directs A. L. Pridemore as Com. to convey to your Orator the land so purchased by him and in this writing he states that he has paid nothing toward the purchase price and that the same has been paid by your Orator.

Under the facts of the case your Orator is advised that he is entitled to have a proper deed of conveyance for said one undivided seventh part of said lower land, but if mistaken in this, then he is advised that he is entitled to recover against the said Wm. Fitts colored said sum of \$200.00 with interest thereon from July 17<sup>th</sup> 1876 till paid, and to have said interest as sold to pay the same and to obtain relief in one or the other of these modes is the object of this bill.



The premises considered your Orator prays  
that said Wm. Fitts colored, Alexis J. Fitts Herman  
Quillen Emalin Quillen John B. Anderson and  
Adelaine Anderson be made defendants to this bill  
and be required to answer the same fully on oath  
that an order of publication be entered posted and  
published against said defendants, and upon hearing  
of the cause a decree be entered enforcing a specific  
execution of said contract and a commissioner app-  
ointed to execute a proper deed conveying to your  
Orator the legal title to said land, and if this is deemed  
impracticable then that said land be sold to reimburse  
him for the money he has paid as surety for the said  
Wm. Fitts and if mistaken in this his special  
prayer then he prays for all general relief May  
the court move the writ of Habeas corpus directed to.

Henry J. Morgan for Plaintiff



6. 39  
Pr. 5.00  
+ 15.00  
\$36.39

Andrew M. Fitts

vs. } Bill

Wm. Fitts Colored Total

1887 Febry Bill Filed  
3rd not executed order  
Publication against  
Defendants + Costs

11 March O.P. Completed  
+ Cause set for hearing

11 March Term  
Decree final  
OV 31



A M Fitts

vs.

Wm. Fitts (colored) and

Peff

} In Lohy

Dfts

This cause came on again to be finally heard on the papers heretofore read in the cause, and the report of Const. H. J. Morgan filed in the cause April 1st 1887 showing the execution of a deed of conveyance to the plaintiff for J. R. Fitts interest in the slave lands as directed by a former decree in the cause was argued by counsel. And said report being unaccepted to. On consideration of all which it is adjudged ordered & decreed that said report & the deed of conveyance therein be and the same are hereby approved & confirmed and the clerk of this will deliver to the clerk of the county court said deed of conveyance for record, and it is adjudged that the plaintiff recover against Wm. Fitts colored the costs of suit including \$2.50 for making said deed, and no further action being necessary the parties are hence dismissed and the cause stricken from the docket.



A M Fitts

no { Decm No 2 final

Wm. Fitts (Coland) + ul

Entered page 81

Enter this  
April 1 1887

H. S. K. M.



A M Fitts

vs.

Wm. Fitts (Colored) & al

Poff

Defts

per Chy

This cause came on this day to be heard on the bill of the plaintiff and exhibits therewith taken for confessed by the defts. and was argued by Counsel. On consideration thereof it appears to the court that the plaintiff is entitled to the undivided interest of Jas. R. Fitts dead in the lower lands of his Mother containing 225 acres. It is therefore adjudged ordered and decreed that a deed of conveyance for said undivided interest be made to said A M Fitts, conveying to him the legal title of the said Jas. R. Fitts interest in said lower lands consisting of one undivided seventh part. and to attain this end Henry J. Morgan is appointed a commissioner to execute such a conveyance with covenants of special warranty who will report his action to the court, and until the coming thereof the cause is continued.



A M Fitts

no. 3 Decm No 1

Wm. Fitts colored & cul

Entered page 12 Aug 13

Enter this

March 30 88

H. S. K. M.



A M Fitts

Pegg

vs.

Wm. Fitts (Colonel) Alvis J. Fitts, Herman  
Zuellig Emeline Zuellig John B. Anderson  
and Adeline Anderson - - - Defts.

In Chy

I do swear that according to my best information  
and belief each of the defts named above are  
not residents of the state of Vt. so help me god.

Henry J. Morgan

Sworn to before me January 24<sup>th</sup> 1887  
J. A. Hyatt cc



A M Fetto

no { affa

Mr. Fetto



A M Fitts

vs.

Wm. Fitts (Colored) and

Peff

Defto

In Chy

To the Hon J. S. K. Morrison Judge of the Circuit  
Court of Lee Co Va.

Pursuant to your decree in this cause entered  
on the 31st day of March 1887 I have executed and acknow-  
ledged for record, a deed conveying to the Peff  
the late Jas. R. Fitts undivided interest in the down-  
lands of Sarah Fitts decd. which deed of conveyance  
is herewith filed for your inspection & approval marked  
(A) All which is respectfully submitted

Henry J. Morgan Comr.

April 1st 1887.



A. M. Fitts

as { Cont. Report - Done

Wm Fitts (Colonel) & al

Filed April 1st 1887.

J. A. Hyatt c. c.



(AB)







Kentucky Knox County to wit.

To A. L. Pickensmore Commissioner:

Sir:

The land  
purchased by me at the sale of James R. Fitts  
land and for which Andrew M. Fitts lent my  
security, has been paid by said Andrew M. Fitts  
nothing having been contributed by me. You  
will therefore please make the deed to him  
for the land - so purchased by me.

Yours

Wm. Lewis

Yours &c. William Fitts  
his mark



(A6)

For William—



Virginia

In the Clerk's office of the Circuit Court of Lee  
County on Tuesday Jan 26 1887.

Andrew M. Fitts

Plff

vs.

Wm. Fitts (colored) Alvis J. Fitts, Herman  
Quillen Emaline Quillen John B.

In Chy

Anderson and Adaline Anderson

Defts

The object of this suit is to obtain a legal title to  
the one undivided seventh part of the dower lands in  
the Hill mentioned which descended to James R. Fitts  
& sold as his and purchased by said Wm. Fitts (colored)  
and paid for by the plaintiff & it appearing from  
an affidavit on file in the case that each of said  
defendants are non-residents of Virginia They are  
therefore ordered to appear here within one month  
after the publication of this order to do what may be  
necessary to protect their interest in the cause

A Copy Teste J. A. Hyatt C. C.

J. J. Morgan J. C.



A M Fitts

as { Order Pub.

Wm. Fitts (Colonel)

I Certify that I  
delivered an office  
Copy of this order to  
the Va Herald for  
Pub. Jan 25-7887  
and posted a like  
Copy at the front  
door of Lee C. Ct.  
at the Subry Tavern  
of the County Court  
J. A. Hyatt Secy



# The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon Wm Fitts (old) Alvis

S. Fitts, Herman Quillen, Canaline Quillen, John  
B. Anderson and Adaline Anderson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House  
on the first Monday in February next, being Rule Day, to answer a  
Bill in Chancery exhibited in our Court against them, by Andrew  
M. Fitts

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said  
Court, at the Court House, this 26<sup>th</sup> day of January 1887 in  
the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :



St. J. M.

A. M. Fitts

vs <sup>3</sup>/<sub>3</sub> Spain Choy

Wm Fitts (old) et al

Lo Feby Rules 1887

Not executed, the  
parties all being  
non-residents.

D. S.



I Jeff Duff Pub & Herald  
a weekly newspaper pub-  
lished in Jonessville do cer-  
tify that the following non-  
resident notices appeared  
four successive times in  
said paper and the pub-  
lishers fee of \$5.00 is due and  
unpaid. March 27th 1887  
Jeff Duff

I Jeff Duff editor and pub-  
lisher of Virginia Herald a  
weekly newspaper published  
in the county of Lee do cer-  
tify that the following non-  
resident notice appeared  
four successive times in  
said paper ending July  
18th 1887  
Jeff Duff  
Pub Fee \$5.00

VIRGINIA: In the clerk's office of the  
Circuit Court of Lee county, on Tues-  
day January 25th, 1887.  
Andrew M. Fitts, Plt.  
vs.  
Wm. Fitts (colored) Alvis T. Fitts, Herman Quillen, Emaline Quillen, John B. Anderson and Adaline Anderson, Defts. } In Chanc'y.  
The object of this suit is to obtain a legal title to the one undivided seventh part of the dower lands in the bill mentioned while dis-  
cended to James R. Fitts and sold as his and  
purchased by deft. Wm. Fitts (colored) and  
paid for the plt., and it appearing from an  
affidavit on file in the court house, that each  
of said defendants are non-residence of Vir-  
ginia. They are therefore ordered to appear  
here within one month after the publication  
of this order to do what may be necessary to  
protect their interest in the cause.  
A copy Test, J. A. G. HYATT, C. C.  
H. J. MORGAN, P. O.



Audruill Hills  
V.D.  
Wm. Hills, Col

Pub. Fee \$500